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UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

United States of America

v.

Dysheam West
10050 Jacksontown Rd.
Jacksontown, OH 43030

Defendant

Case No.

2:11-MJ-811

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 10/12/2011 in the county of Franklin in the Southern District of Ohio, the defendant violated 18 U. S. C. § 2422(b), an offense described as follows:

Dysheam West attempted to entice child through interstate commerce, including by the internet.

This criminal complaint is based on these facts:

SEE AFFIDAVIT ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

☒ Continued on the attached sheet.

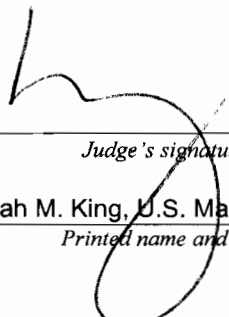
Det. TFO  #1032 HSI
Complainant's signature

Marcus Penwell, TFO
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/20/2011

City and state: Columbus, Ohio


Judge's signature

Norah M. King, U.S. Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT, EASTERN DIVISION OF OHIO

In the Matter of the Criminal Complaint:

United States of America
V.
Dysheam West
10050 Jacksontown Rd.
Jacksontown, OH 4030

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Task Force Agent (TFO) Marcus Penwell, being first duly sworn, hereby depose and state as follows:


1. I, ICE/HSI TFO Marcus Penwell (your affiant) assigned to the Franklin County ICAC Task Force in Columbus, Ohio, make this affidavit in support of a criminal complaint to arrest Dysheam West for violation of Title 18 United States Code Section 2422(b) and (e) – Attempted Sexual Coercion and Enticement of a Minor. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, your affiant did not include each and every fact known concerning this investigation. Your affiant did not withhold any information or evidence that would negate probable cause. Your affiant set forth only the facts that are believed to be necessary to establish probable cause that Dysheam West committed the violations listed above.
2. On October 6, 2011 TFO Marcus Penwell of the Franklin County Sheriff's Office ICAC Task Force was working in an undercover capacity conducting online investigations using the website Craigslist.com. Detective Penwell used an undercover email posing as a 15 year old female (herein referred to as persona) to respond to an ad posted on craigslist.com stating the following, "Daddy seeking NSA, seeking younger lady for NSA sex, possible long term. Looking for a white girl. I can host or travel. Please be D&D free. Doesn't matter your experience, I just love young white girls that I can treat like my young princess. If that's you reply and I'll exchange pics. Hope to hear from you soon baby girl." TFO Penwell makes it clear that the email is coming from a 15 year old female. TFO Penwell quickly received a response from the poster of the ad from the email address, ladylover730@aol.com (later positively identified as Dysheam West). West and Det. Penwell's persona exchanged emails and West added her as a friend on his yahoo messenger screen name "psychohgrad."

3. West and Det. Penwell's persona exchange emails and instant messages between October 6, 2011 and October 11, 2011. During these exchanges West solicited a meeting, eventually soliciting Det. Penwell's persona to meet him engage in oral sex, anal sex and vaginal sex and West agreed that he would use a condom during their encounter. Eventually, a meeting was arranged at a location in Franklin County for approximately 2:00 p.m. on October 12, 2011. West agreed that he would bring condoms and would be driving either a red mustang or a black Honda SUV. Under Ohio law, it is unlawful for any individual over the age of 18 years old to have sexual contact with any minor under the age of 16 years old if the adult is more than four years older than the minor. Investigation has found that West is 40 years old.
4. On October 12, 2011, at approximately 2:00 p.m. Detectives set up surveillance on the meet location and observe a Black Honda Passport SUV parked in the rear of the location which they confirmed was registered to West. After observing West exit the commercial establishment at the meet location and get into the vehicle, West was stopped and taken into custody.
5. TFO Penwell interviewed West, with West admitting that he had posted an ad on craigslist looking for sex with a young girl, that he chatted with and set up a meeting with what he thought was a 15 year old girl for the purpose of engaging in oral, anal, and vaginal sex with him. West further admitted that he had brought condoms with him as he and what he believed to be the 15 year old girl had discussed. West admitted that he was communicating with the girl via email on the laptop computer located in the computer room at his residence at 10050 Jacksontown Rd. Jacksontown, OH, and that he had exchanged pictures with the 15 year old girl during the last chat. West further admitted that he used file sharing programs on his computer, including the file sharing program "E-Mule," – a program which has been the focus of numerous investigations by TFO Penwell and the Franklin County Sheriff's Office ICAC Task Force on subjects possessing and distributing images and videos of child pornography. West admitted that he "may" have seen child pornography on the internet but denied purposely downloading it, though he admitted that investigators may find some images of child pornography in his temporary internet files.
6. West's vehicle and person were searched and investigators recovered several condoms, a bottle of personal lubricant, a GPS containing the meet location address, and a cell phone.
7. A state search warrant was subsequently conducted on West's residence at 10050 Jacksontown Rd with investigators seizing several computers and compact disks. TFO Penwell conducted an initial forensic preview on one of the laptop computers seized from the residence and immediately located a video of child pornography under the user name "Dysheam." TFO Penwell viewed the video and it depicted a prepubescent female engaging in oral sex and sexual intercourse with an adult male. TFO Penwell also previewed a compact disk containing a video

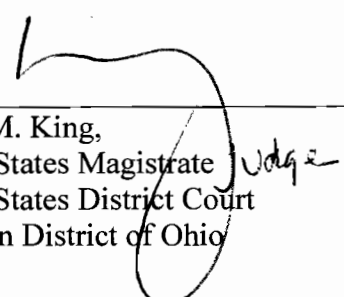
titled "Dysheam..." which contained a video clip of West having sexual intercourse with a female dog.

CONCLUSION

8. Based upon the evidence gathered to date, your affiant believes there is probable cause to believe Dysheam West is responsible for the Attempted Sexual Coercion and Enticement of a Minor.

D. TFO  HSI #1032
Marcus Penwell,
Task Force Officer
Homeland Security Investigations

Sworn to and subscribed before me this 20th day of October, 2011.



Norah M. King,
United States Magistrate
United States District Court
Southern District of Ohio